



1635  
Atty Dkt No. 087102-0272558  
Pat. App. Ser. No. 10/071,174

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JFW

### PATENT APPLICATION OF

Reed et al.

Group Art Unit: 1635

Appl. No.: 10/071,174

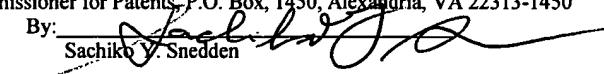
Examiner: Angell, J.

Filed: February 7, 2002

Title: APOPTOSIS MODULATOR BCL-B AND METHODS FOR MAKING AND USING SAME

### RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. 121

Mail Stop Non-Fee Amendment  
Hon. Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Certificate of Mailing Under 37 C.F.R. §1.8  
I hereby certify that this correspondence along with any paper referred to as being attached is being Mailed to Addressee by service of the United States Postal Service addressed to Commissioner for Patents, P.O. Box, 1450, Alexandria, VA 22313-1450 October 7, 2004 By:   
Sachiko V. Snadden

Sir:

In response to the Office Action mailed August 25, 2004, in connection with the above-identified application, Applicants elect Group I, Claims 1-23, 26-28, drawn to an isolated nucleic acid; subgroup A, claims 24, 25, 42-45, 76 and 77, drawn to an isolated nucleic acid of Group I wherein the nucleic acid encodes a polypeptide; and species of adenovirus for prosecution in the above-identified application.

Applicants request a 1 month extension of time through October 25, 2004, to respond to the Office Action mailed August 25, 2004.

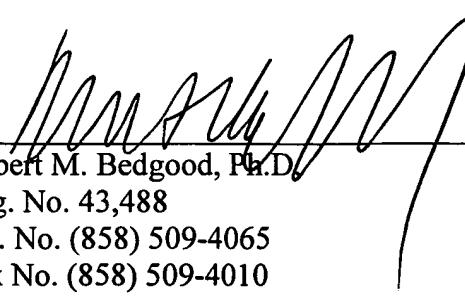
A fee of \$55 for 1 month extension of time (small entity) is incurred for filing this Response for the above-identified application. The Commissioner is hereby authorized to charge that amount and any other fee that may be due in connection with this and the attached papers, or with this application during its entire pendency, or to credit any overpayment, to **Deposit Account No. 50-2212, Order No. 087102-0272558.**

10/13/2004 SSESHE1 0000025 502212 10071174  
01 FC:2251 55.00 DA

Respectfully submitted,

Pillsbury Winthrop LLP

By

  
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Date: October 7, 2004

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OCT 12 2004

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

*Effective 10/01/2003. Patent fees are subject to annual revision.*

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 55.00)

## Complete if Known

Application Number	10/071,174
Filing Date	February 7, 2002
First Named Inventor	John C Reed
Examiner Name	Angell, J.
Art Unit	1635
Attorney Docket No.	087102-0272558

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number	502212
Deposit Account Name	PILLSBURY WINTHROP LLP

The Director is authorized to: (check all that apply)

- 
- Charge fee(s) indicated below
- 
- Credit any overpayments
- 
- 
- Charge any additional fee(s) or any underpayment of fee(s)
- 
- 
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051	65 Surcharge - late filing fee or oath	
1052 50	2052	25 Surcharge - late provisional filing fee or cover sheet	
1053 130	1053	130 Non-English specification	
1812 2,520	1812	2,520 For filing a request for ex parte reexamination	
1804 920*	1804	920* Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805	1,840* Requesting publication of SIR after Examiner action	
1251 110	2251	55 Extension for reply within first month	55.00
1252 420	2252	210 Extension for reply within second month	
1253 950	2253	475 Extension for reply within third month	
1254 1,480	2254	740 Extension for reply within fourth month	
1255 2,010	2255	1,005 Extension for reply within fifth month	
1401 330	2401	165 Notice of Appeal	
1402 330	2402	165 Filing brief in support of an appeal	
1403 290	2403	145 Request for oral hearing	
1451 1,510	1451	1,510 Petition to institute a public use proceeding	
1452 110	2452	55 Petition to revive - unavoidable	
1453 1,330	2453	665 Petition to revive - unintentional	
1501 1,330	2501	665 Utility issue fee (or reissue)	
1502 480	2502	240 Design issue fee	
1503 640	2503	320 Plant issue fee	
1460 130	1460	130 Petitions to the Commissioner	
1807 50	1807	50 Processing fee under 37 CFR 1.17(q)	
1806 180	1806	180 Submission of Information Disclosure Stmt	
8021 40	8021	40 Recording each patent assignment per property (times number of properties)	
1809 770	2809	385 Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810	385 For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801	385 Request for Continued Examination (RCE)	
1802 900	1802	900 Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 55.00)

\*\*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY					(Complete if applicable)
Name (Print/Type)	Robert M. Bedgood		Registration No. (Attorney/Agent)	43488	Telephone (858) 509-4065
Signature	<i>[Signature]</i>			Date	October 7, 2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.